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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,506

10/15/2003

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0275U-000799

3538

27572 7590 05/09/2008
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EXAMINER

SNIDER, THERESA T

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,506	Applicant(s) MILLIGAN ET AL.	
	Examiner Theresa T. Snider	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/27/2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 518,520(0102). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 52-56 and 60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP0215165.

EP0215165 discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing(fig. 2, #222,236,230,228,232,238,226, col. 5, lines 26-29).

EP0215165 discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig. 2, #244, elbow 262 directs flow to circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

With respect to claim 53, EP0215165 discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig. 2, #256).

With respect to claim 54, EP0215165 discloses the filter mechanically coupled to the housing (fig. 2, filter #256 located in unnumbered cut-outs).

With respect to claim 55-56, EP0215165 discloses the interior of the dirt cup is substantially smooth (fig. 11, #246).

With respect claim 60, EP0215165 discloses air flow directed to angle less than 90° (fig. 11, one of ordinary skill in the art would inherently know that any air leaving the elbow would 'spread out' towards #264 and 256).

4. Claims 52-56 and 60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Levine(Re. 33,074).

Levine discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing(fig. 11, #222,236,30,228,232,238,226, col. 5, lines 26-29).

Levine discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig. 11, #244, elbow 262 directs flow to

Art Unit: 3723

circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

With respect to claim 53, Levine discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig. 11, #256).

With respect to claim 54, Levine discloses the filter mechanically coupled to the housing (fig. 11, filter #256 located in unnumbered cut-outs).

With respect to claim 55-56, Levine discloses the interior of the dirt cup is substantially smooth (fig. 11, #246).

With respect claim 60, Levine discloses air flow directed to angle less than 90° (fig. 11, one of ordinary skill in the art would inherently know that any air leaving the elbow would 'spread out' towards #264 and 256).

5. Claims 52-56 and 60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP0170720.

EP0170720 discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing(fig., #3,6,4,14,7).

EP0170720 discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig., #2, elbow 32 directs flow to circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

With respect to claim 53, EP0170720 discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig., #19).

With respect to claim 54, EP0170720 discloses the filter mechanically coupled to the housing (fig., #22,24 coupled filter inside housing).

With respect to claims 55-56, EP0170720 discloses the interior of the dirt cup is substantially smooth (fig, #29).

With respect claim 60, EP0170720 discloses air flow directed to angle greater than 90° (fig, arrow above #19). One of ordinary skill in the art would inherently know that any air leaving the elbow would also 'spread out' towards #33, an angle less than 90°).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0215165 as applied to claim 52 above, and further in view of JP2002-136456.

EP0215165 discloses a similar vacuum however fails to disclose a removable elbow.

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in EP0215165 in order to disassemble the vacuum for cleaning the elements and to remove any large pieces of debris that may become lodged therein.

8. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine(Re. 33,074) as applied to claim 52 above, and further in view of JP2002-136456.

Levine discloses a similar vacuum however fails to disclose a removable elbow.

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in Levine in order to disassemble the vacuum for cleaning the elements and to remove any large prices of debris that may become lodged therein.

9. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0170720 as applied to claim 52 above, and further in view of JP2002-136456.

EP0170720 discloses a similar vacuum however fails to disclose a removable elbow.

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in EP0170720 in order to disassemble the vacuum for cleaning the elements and to remove any large prices of debris that may become lodged therein.

10. Claims 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0215165 in view of JP2002-136456.

Art Unit: 3723

EP0215165 discloses a similar vacuum however fails to disclose a removable elbow.

EP0215165 discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing (fig. 2, #222, 236, 230, 228, 232, 238, 226, col. 5, lines 26-29).

EP0215165 discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig. 2, #244, elbow 262 directs flow to circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in EP0215165 in order to disassemble the vacuum for cleaning the elements and to remove any large pieces of debris that can become lodged therein.

EP0215165 discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig. 2, #256).

EP0215165 discloses the interior of the dirt cup is substantially smooth (fig. 11, #246).

With respect to claim 62, EP0215165 discloses air flow directed to an angle less than 90° (fig. 2, one of ordinary skill in the art would inherently know that any air leaving the elbow would 'spread out' towards #264 and 256).

11. Claims 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine(Re. 33,074) in view of JP2002-136456.

Levine discloses a similar vacuum however fails to disclose a removable elbow.

Levine discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing(fig. 11, #222,236,30,228,232,238,226, col. 5, lines 26-29).

Levine discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig. 11, #244, elbow 262 directs flow to circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in Levine in order to disassemble the vacuum for cleaning the elements and to remove any large pieces of debris that can become lodged therein.

Levine discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig. 11, #256).

Levine discloses the interior of the dirt cup is substantially smooth (fig. 11, #246).

With respect claim 61, Levine discloses air flow directed to angle less than 90° (fig. 11, one of ordinary skill in the art would inherently know that any air leaving the elbow would 'spread out' towards #264 and 256).

Art Unit: 3723

12. Claims 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0170720 in view of JP2002-136456.

EP0170720 discloses a similar vacuum however fails to disclose a removable elbow.

EP0170720 discloses a motor housing assembly with a housing, a battery, a motor, an impeller, a power switch and a latch for releasably securing a dirt cup to the housing(fig., #3,6,4,14,7).

EP0170720 discloses a dirt cup assembly with a dirt cup having a circumferentially extending wall and a tapered front surface, an inlet and an elbow (fig., #2, elbow 32 directs flow to circumferentially extending wall and, with operation of blower, air is naturally drawn from inlet toward impeller located rearwardly in housing).

JP2002-136456 discloses a vacuum with a piece removably coupled to an inlet, the piece having an attachment portion that frictionally engages with the inlet (translation, 0023, figs. 2-4, #28). It would have been obvious to one of ordinary skill in the art to provide the detachably, multi-piece attachment structure of JP2002-136456 in EP0170720 in order to disassemble the vacuum for cleaning the elements and to remove any large pieces of debris that can become lodged therein.

EP0170720 discloses a filter disposed between the impeller and elbow and disposed in the dirt cup (fig., #19).

EP0170720 discloses the filter mechanically coupled to the housing (fig., #22,24 coupled filter inside housing).

EP0170720 discloses the interior of the dirt cup is substantially smooth (fig, #29).

With respect claim 62, EP0170720 discloses air flow directed to angle greater than 90° (fig, arrow above #19). One of ordinary skill in the art would inherently know that any air leaving the elbow would also 'spread out' towards #33, an angle less than 90°).

Response to Amendment

13. Applicant remarked that figure 3 was amended to include reference numerals 518 and 520 however the numerals do not appear to be included in amended Figure 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/686,506
Art Unit: 3723

Page 11

/Theresa T. Snider/
Primary Examiner, Art Unit 3723

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Primary Examiner
Art Unit 3723

5/6/2008